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AUSTIN, TEXAS 78758
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Examiner:

A. M. LEZAK

Group Art Unit:

2143

Tel No:

571-272-3916

Fax #:

571-273-8300

FROM:

J.B. KRAFT

Tel No:

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Docket No. AUS-2000-0941 Serial No. 09/02,612 Atty: J.B. KRAFTApplicant: E. E. McBrearty

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09-0447Fees: Amendment ☐ Notice of Appeal ☐ Appeal Brief ☐ Other ☐

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PATENT
09/801,612

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : Group Art Unit: 2143
: Examiner: A. M. Lezak
Gerald F. McBrearty et al. : Intellectual Property
Serial No: 09/801,612 : Law Department - 4054
Filed: 03/08/2001 : International Business
Title: PROTECTING CONTENTS : Machines Corporation
OF COMPUTER DATA FILES FROM : 11400 Burnet Road
SUSPECTED INTRUDERS BY : Austin, Texas 78758
RENAMING AND HIDING DATA : Customer No. 32,329
FILES SUBJECTED TO INTRUSION :
Date: 12/12/05 :

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence including the present Reply Brief (in triplicate) is being transmitted via facsimile to USPTO, Group Art Unit 2143 at telephone number 571-273-8300, and to the attention of Examiner A. M. Lezak on 12/12/05

REPLY BRIEF ON APPEAL
BEFORE THE BOARD OF APPEALS
AND INTERFERENCES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Reply Brief to the Examiner's Answer mailed October 11, 2005.

In the Answer, the Examiner makes an Argument that all Applicants' Brief has pointed out are the deficiencies of each of the Schneck and Margolus references. In this

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regard, the Examiner argues:

"...that it is not enough to assert that either the Schneck or the Margolus does not disclose a claimed limitation. Rather the Applicant must show that the combination of references does not disclose the claimed limitation."

Applicants concur with this point of law but submit that Applicants only began by pointing out the deficiencies of each of the references. Applicants then went on to argue that the combination of the two references was not suggested by the references either individually or in combination, and even if the two references were combined in the manner suggested by Examiner, the combination would still not suggest Applicants' invention to one skilled in the art. Furthermore, even if the Examiner's proposed combination could be made, the resulting combination would still lack a significant element of the present invention.

The basic Schneck reference fails to even suggest the key to the present invention: changing the identification of requested data files responsive to determination that request is an unauthorized intrusion. Applicants concur with Examiner that Schneck discloses determining whether received requests for data files, in a network environment, are unauthorized. Applicants also concur with Examiner's conclusion that: Schneck does not teach means, responsive to unauthorized intrusion, for changing identification of requested data files.

Applicants do not agree with the Examiner's argument that Margolus does suggest changing the identification of any requested data files. Applicants also take issue with Examiner's implication that even if Margolus does not teach changing requested file identification upon intrusion, something in the combination of Schneck and Margolus would

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still suggest such an implementation.

In the whole comprehensive description in Schneck et al. (34 columns and 26 sheets of drawings) covering rules for protecting data, there is no hint whatsoever of changing the identification of the data file subjected to the unauthorized request. Margolus does not provide any suggestion of changing the identification or name of any file responsive to an unauthorized intrusion. The descriptive material cited by Examiner in Margolus does describe changing names when new versions of objects are created but this does not have anything to do with unauthorized intrusions.

Thus, applying the Examiner's criteria, we must inquire whether despite the deficiencies in each of the Schneck and Margolus references set forth above, is there still any thing in the combination of the two references which would suggest the claimed combination of references. Applicants submit that there is no such suggestion in the combination of references. As set forth above, Schneck does not appear to be concerned with changing identification of files for any purpose whatsoever. Margolus does describe changing names when new versions of objects are created but this does not seem to have anything to do with unauthorized intrusions. Thus, how can one contend that this combination of these two references could suggest an element which neither individual reference suggests? Accordingly, it is submitted that even if the two references could be combined,

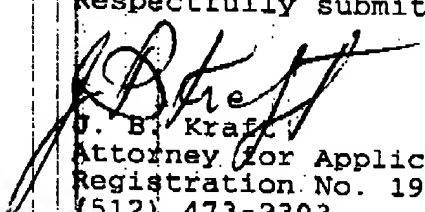
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of the present invention: means responsive to unauthorized
intrusion, for changing identification of requested data
files.

Respectfully submitted,



J. B. Kraft
Attorney for Applicants
Registration No. 19,226
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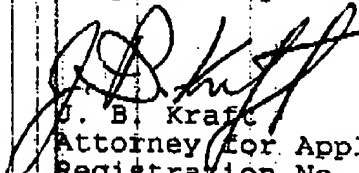
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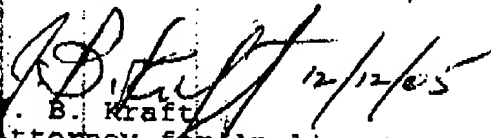
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